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Attorney Docket No. 2003P14602US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Inventor:	P. Ditzel et al.	Group Art Unit: 1793
Serial No.:	10/679,080	Examiner: Michael Aboagye
Filed:	October 4, 2003	Confirmation No.: 3519
Title:	CONSUMABLE INSERT AND METHOD OF USING THE SAME	

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Commissioner For Patents
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This cover sheet (1 page)
Response to Notification of Non-compliant Appeal Brief (4 pages)

David G. Maire 2/9/2009

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Sir:

Response to Notification of Non-compliant Appeal Brief (37 CFR 41.37)

This paper is in response to the Notification of Non-compliant Appeal Brief dated as mailed 01/09/2009. In that paper, the Office objected to the concise explanation of the subject matter defined in each of the independent claims that had been provided under 37 CFR 41.37(c)(1)(v) as part of the Appellant's Brief filed on 10 March 2008 because that summary contained a reference to the term "nickel-boron" as used in independent claim 1. The use of that term has resulted in a rejection of claims 1-4 under 35 USC 112 which is on appeal herein. Because the term "nickel-boron" is used in the claim, that same term was recited in the summary of the invention in the Appellant's Brief. As now required by the Office and in accordance with MPEP 1205.03, a replacement summary section under 37 CFR 41.37(c)(1)(v) is provided beginning on the following page to eliminate that term.

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5. SUMMARY OF THE CLAIMED SUBJECT MATTER- 37 CFR 41.37(c)(1)(v)

This invention relates generally to a consumable insert 10, as illustrated in FIG. 2, that may be used in a bonding process.

Independent claim 1 is directed to a consumable insert foil 10 of FIG. 2 as described in the specification at page 3, lines 1-5. The foil comprises a metal-comprising material 12 and melting point depressant material 14, the melting point depressant material having a concentration C (as shown in Fig. 3) that is greater proximate a center region 16 of the consumable insert foil than proximate an exterior surface region 18 of the consumable insert foil.

Independent claim 7 is directed to a consumable insert 10 comprising a sheath 12 having a desired ribbon shape; and particles 14 of an MCrAlY alloy material exhibiting a ductility of less than 18% tensile elongation contained by the sheath, as described at page 5, line 31 through page 6, line 5.

Independent claim 15 is directed to a method of transient liquid phase bonding using a consumable insert 10, as described at page 4, line 28 through page 5, line 6. The method comprises forming a consumable insert 10 comprising a metal-comprising material 12 and melting point depressant material 14, the melting point depressant material having a melting point depressant concentration C (FIG. 3) that is greater proximate a center region 16 of the insert than proximate an exterior surface region 18 of the insert. The method further comprises capturing the consumable insert between two work pieces to be joined by transient liquid phase bonding; heating the work pieces and the consumable insert to a temperature sufficiently high to melt the consumable insert; and maintaining the temperature sufficiently high for the melting point depressant to diffuse into the work pieces to an extent sufficient for the consumable insert to solidify to form a joint between the work pieces: wherein forming the consumable insert further comprises depositing particles of the melting point depressant 14 into a hollow center of a tube of sheath material 12; and flattening the tube into a ribbon shape 10 having the particles 14 of the melting point depressant in the center region 16 and having the sheath material 12 in the exterior surface region 18, as described in the specification at page 4, lines 13-16.

Independent claim 18 is directed to a method of transient liquid phase bonding using a consumable insert 10, the method comprising: forming a consumable insert 10 comprising a metal-comprising material 12 and melting point depressant material 14, the melting point depressant material having a melting point depressant concentration C (FIG. 3) that is greater proximate a center region 16 of the insert than proximate an exterior surface region 18 of the insert; capturing the consumable insert between two work pieces to be joined by transient liquid phase bonding; heating the work pieces and the consumable insert to a temperature sufficiently high to melt the consumable insert; and maintaining the temperature sufficiently high for the melting point depressant to diffuse into the work pieces to an extent sufficient for the consumable insert to solidify to form a joint between the work pieces. The method of claim 18 further comprises forming the consumable insert by depositing particles 14 of the melting point depressant into a U-shaped plate of sheath material; forming the U-shaped plate into a tube; and flattening the tube into a ribbon shape 10 having the particles of the melting point depressant in the center region 16 and having the sheath material 12 in the exterior surface region 18, as described in the specification at page 3, line20 through page 4, line 3.

Independent claim 19 is directed to a method of transient liquid phase bonding using a consumable insert 10, the method comprising: forming a consumable insert 10 comprising a metal-comprising material 12 and melting point depressant material 14, the melting point depressant material having a melting point depressant concentration C (FIG. 3) that is greater proximate a center region 16 of the insert than proximate an exterior surface region 18 of the insert; capturing the consumable insert between two work pieces to be joined by transient liquid phase bonding; heating the work pieces and the consumable insert to a temperature sufficiently high to melt the consumable insert; and maintaining the temperature sufficiently high for the melting point depressant to diffuse into the work pieces to an extent sufficient for the consumable insert to solidify to form a joint between the work pieces. The method of claim 19 further comprises depositing particles 14 of the melting point depressant onto a lower plate 12 of sheath material; covering the particles with an upper plate 12 of sheath material; and flattening the upper and lower plates together to a desired thickness T (FIG. 2) to form the consumable insert 10, as described in the specification at page 4, lines 4-12.

Independent claim 22 is directed to a method of material deposition utilizing a consumable insert 10, the method comprising: providing a consumable insert 10 comprising a sheath 12 formed to a desired ribbon shape and particles of an MCrAlY alloy material 14 contained by the sheath; and melting the insert onto a surface of a work piece; and allowing the melt to cool to form a coating, as described in the specification at page 5, line 11 through page 6, line 7.

Conclusion:

Entry of this paper to amend the Appellant's Brief is respectfully requested.

Respectfully submitted,

Dated: 2/9/2009

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